

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1428

98TH GENERAL ASSEMBLY

4226H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 209.150, 209.200, and 209.202, RSMo, and to enact in lieu thereof three new sections relating to service dogs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 209.150, 209.200, and 209.202, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 209.150, 209.200, and 209.202, to read as follows:

209.150. 1. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every person with a visual, aural or other disability including diabetes, as **disability is** defined in section 213.010, shall have the right to be accompanied by a guide dog, hearing dog, or service dog, **as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 for the guide dog, hearing dog or service dog; provided that such person shall be liable for any
17 damage done to the premises or facilities by such dog.

18 4. As used in sections 209.150 to 209.190, the term "service dog" [means any dog
19 specifically trained to assist a person with a physical or mental disability by performing necessary
20 tasks or doing work which the person cannot perform. Such tasks shall include, but not be
21 limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an
22 individual with a disability] **shall be as defined in section 209.200.**

209.200. As used in sections [209.200] **209.150** to 209.204, not to exceed the provisions
2 of the Americans With Disabilities Act, the following terms shall mean:

3 (1) "Disability", as defined in section 213.010 including diabetes;

4 (2) "Service dog", a dog that is being or has been specially trained to do work or perform
5 tasks which benefit a particular person with a disability. Service dog includes but is not limited
6 to:

7 (a) "Guide dog", a dog that is being or has been specially trained to assist a particular
8 blind or visually impaired person;

9 (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular
10 deaf or hearing-impaired person;

11 (c) "Medical alert or [respond] **response** dog", a dog that is being or has been trained to
12 alert a person with a disability that a particular medical event is about to occur or to respond to
13 a medical event that has occurred;

14 (d) **"Mental health service dog" or "psychiatric service dog", a dog individually**
15 **trained for its owner who is diagnosed with a psychiatric disability, medical condition, or**
16 **developmental disability recognized in the most recently published Diagnostic and**
17 **Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with**
18 **difficulties including, but not limited to, alerting or responding to episodes such as panic**
19 **attacks and anxiety, and performing other tasks directly related to the owner's psychiatric**
20 **disability, medical condition, or developmental disability including, but not limited to,**
21 **autism spectrum disorder, epilepsy, major depressive disorder, bipolar disorder,**
22 **Alzheimer's disease, dementia, post-traumatic stress disorder (PTSD), anxiety disorder,**
23 **obsessive compulsive disorder, schizophrenia, and other mental illnesses and invisible**
24 **disabilities;**

25 (e) "Mobility dog", a dog that is being or has been specially trained to assist a person
26 with a disability caused by physical impairments;

27 [(e)] (f) "Professional therapy dog", a dog which is selected, trained, and tested to
28 provide specific physical therapeutic functions, under the direction and control of a qualified
29 handler who works with the dog as a team as a part of the handler's occupation or profession.

30 Such dogs, with their handlers, perform such functions in institutional settings, community-based
31 group settings, or when providing services to specific persons who have disabilities.
32 Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in
33 visitation therapy;

34 [(f)] (g) "Search and rescue dog", a dog that is being or has been trained to search for or
35 prevent a person with a mental disability, including but not limited to verbal and nonverbal
36 autism, from becoming lost;

37 (3) "Service dog team", a team consisting of a trained service dog, a disabled person or
38 child, and a person who is an adult and who has been trained to handle the service dog.

209.202. 1. Any person who knowingly, intentionally, or recklessly causes substantial
2 physical injury to or the death of a service dog is guilty of a class A misdemeanor **and may be**
3 **ordered to pay restitution in an amount that fully compensates the owner for the injury,**
4 **loss, or replacement of his or her service dog.** The provisions of this subsection shall not
5 apply to the destruction of a service dog for humane purposes.

6 2. Any person who knowingly or intentionally fails to exercise sufficient control over
7 an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from
8 causing the substantial physical injury to or death of a service dog, or the subsequent inability
9 to function as a service dog as a result of the animal's attacking, chasing, or harassing the service
10 dog is guilty of a class A misdemeanor **and may be ordered to pay restitution in an amount**
11 **that fully compensates the owner for the injury, loss, or replacement of his or her service**
12 **dog.**

13 3. Any person who harasses or chases a dog known to such person to be a service dog
14 is guilty of a class B misdemeanor.

15 4. Any person who owns, keeps, harbors, or exercises control over an animal and who
16 knowingly or intentionally fails to exercise sufficient control over the animal to prevent such
17 animal from chasing or harassing a service dog while such dog is carrying out the dog's function
18 as a service dog, to the extent that the animal temporarily interferes with the service dog's ability
19 to carry out the dog's function is guilty of a class B misdemeanor **and may be ordered to pay**
20 **restitution in an amount that fully compensates the owner for the injury, loss, or**
21 **replacement of his or her service dog.**

22 5. An owner of a service dog or a person with a disability who uses a service dog may
23 file a cause of action to recover civil damages against any person who:

24 (1) Violates the provisions of subsection 1 [or] , 2, or 4 of this section; or

25 (2) Steals a service dog resulting in the loss of the services of the service dog.

26 6. Any civil damages awarded under subsection 5 of this section shall be based on the
27 following:

28 (1) The replacement value of an equally trained service dog, without any differentiation
29 for the age or experience of the service dog;

30 (2) The cost and expenses incurred by the owner of a service dog or the person with a
31 disability who used the service dog, including:

32 (a) The cost of temporary replacement services, whether provided by another service dog
33 or by a person;

34 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

35 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection
36 5 of this section.

37 7. An owner of a service dog or a person with a disability who uses a service dog may
38 file a cause of action to recover civil damages against a person who:

39 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from
40 which the service dog recovers to an extent that the dog is able to function as a service dog for
41 the person with a disability; or

42 (2) Steals a service dog and the service dog is recovered resulting in the service dog
43 being able to function as a service dog for the person with a disability.

44 8. Any civil damages awarded under subsection 7 of this section shall be based on the
45 following:

46 (1) Veterinary medical expenses;

47 (2) Retraining expenses;

48 (3) The cost of temporary replacement services, whether provided by another service dog
49 or by a person;

50 (4) Reasonable costs incurred in the recovery of the service dog; and

51 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection
52 7 of this section.

53 9. The provisions of this section shall not apply if a person with a disability, an owner,
54 or a person having custody or supervision of a service dog commits criminal or civil trespass.

55 10. Nothing in this section shall be construed to preclude any other remedies available
56 at law.

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